

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

JAN - 8 2010

CLERK, U.S. DISTRICT COURT
By *PL* 1-11-10
Deputy \$ 00.00

ALWAN A. MUHAMMAD, PRO SE,
also known as
ALWAN ABDULLAH MUHAMMAD,
also known as
ALWAN NASIR IBNUDDIN,
also known as
ALWAN NASIR LINDSAY,
TDCJ-CID No. 853934,

Plaintiff,

v.

2:09-CV-0258

PAUL W. SLOAN,
LORENZO R. LOPEZ,
and JIMMY L. JAMES,

Defendants.

ORDER OF PARTIAL DISMISSAL

Plaintiff ALWAN A. MUHAMMAD, acting pro se and while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-referenced defendants. Plaintiff has paid the filing fee and is not proceeding in forma pauperis.

On December 29, 2009, a Report and Recommendation was issued by the United States Magistrate Judge recommending dismissal of plaintiff's claims against defendant PAUL W. SLOAN without prejudice for failure to state a claim on which relief can be granted.

Plaintiff filed his Objections on January 7, 2010.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation, as well as the Objections and the amended complaint filed by the plaintiff.

The Court is of the opinion that the objections of the plaintiff should be OVERRULED and the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does OVERRULE plaintiff's objections, and does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that the Civil Rights Claims by plaintiff ALWAN A. MUHAMMAD against defendant PAUL W. SLOAN are DISMISSED WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record.

IT IS SO ORDERED.

ENTERED this 8th day of January, 2010.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE